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E-Filed: October 6, 2015

## Attorneys for Selene Finance, LP

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**Bankruptcy Case No. 15-14295-btb**

DANIEL COOMBS,

Chapter 13

Debtor.

## **OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

## **CONFIRMATION HEARING:**

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Date: October 22, 2015

**Time:** 1:30 PM

CTRM: 4

**TO THE HONORABLE BRUCE T. BEESLEY, U.S. BANKRUPTCY COURT JUDGE, THE  
CHAPTER 13 TRUSTEE, THE DEBTOR, AND THE DEBTOR'S COUNSEL:**

Selene Finance, LP, as servicer for Christiana Trust, A Division of Wilmington Savings Fund Society, FSB, as Trustee for Stanwich Mortgage Loan Trust, Series 2012-13, the holder of a secured claim and party-in-interest, (“Selene”), hereby objects to confirmation of the Debtor’s Chapter 13 Plan (“Plan”).

Selene is the holder of a claim secured only by a security interest in the real property commonly known as 7812 Amber Mist Street, Las Vegas, NV 89131, which is the Debtor's principal residence ("Property"). The total amount due and owing under the promissory note is \$482,892.18 and the pre-petition arrearage is \$2,897.14. A true and correct copy of Selene's Proof of Claim is attached as Exhibit "1." §1322(b)(2) provides, in relevant part, as follows:

(b) Subject to subsections (a) and (c) of this section, the plan may--

(2) modify the rights of holders of secured claims, other than a claim secured only by a security interest in real property that is the Debtor's principal residence

(5) notwithstanding paragraph (2) of this subsection, provide for the curing of any default within a reasonable time and maintenance of payments while the case is pending on any unsecured claim or secured claim on which the last payment is due after the date on which the final payment under the plan is due; . . .

Selene objects to confirmation of the Plan on the following grounds:

(1) The Debtor's Plan does not provide for repayment of the pre-petition arrearages owed to Selene. Moreover, the Debtor's Plan also fails to provide that post-petition monthly mortgage payments are to be tendered to Selene. Therefore, the Plan fails to comply with §1322(b)(2), § 1322 (b)(5) and § 1325.

Based upon the foregoing, Selene respectfully requests that the Court deny confirmation of the Plan, or, in the alternative, order that the Plan be amended to provide for full payment of Selene's pre-petition arrearage.

DATED: October 6, 2015

Respectfully Submitted,  
MALCOLM ♦ CISNEROS, A Law Corporation

/s/ Nathan F. Smith  
NATHAN F. SMITH  
Attorney for Selene Finance, LP  
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## **PROOF OF SERVICE**

**STATE OF CALIFORNIA**

ss.

# COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action; my business address is: 2112 Business Center Drive, Second Floor, Irvine, CA 92612.

On October 6, 2015, I served the following document described as **OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Irvine, California (**and via telecopy or overnight mail where indicated**), addressed as follows:

**DEBTOR**

**DANIEL COOMBS**  
7812 Amber Mist  
Las Vegas, NV 89131

**DEBTOR'S ATTORNEY**

F. Kelly Cawley  
808 S. 6th Street  
Las Vegas, NV 89101

## CHAPTER 13 TRUSTEE

Rick A Yarnall  
701 Bridger Ave, #820  
Las Vegas, NV 89101

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on October 6, 2015 at Irvine, California.

*/s/Michael Levine*